

Appl. No. 09/838,382
Amendment dated December 18, 2003
Reply to Office action of June 18, 2003

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (canceled)

Claim 2 (canceled)

Claim 3 (withdrawn): A vaccine for use in combating coccidiosis in chickens comprising an effective concentration of oocysts of *E. maxima*-I together with a pharmaceutically and/or veterinarily acceptable carrier, diluent, excipient and/or adjuvant.

Claim 4 (withdrawn): A vaccine for use in combating coccidiosis in chickens comprising an effective concentration of oocysts of an immunovariant strain of *Eimeria maxima* that corresponds in characteristics to the strain *E. maxima*-I together with a pharmaceutically and/or veterinarily acceptable carrier, diluent, excipient and/or adjuvant.

Claim 5 (withdrawn): The vaccine of Claim 3 comprising oocysts of other species or strains of *Eimeria*.

Claim 6 (withdrawn): The vaccine of Claim 4 comprising oocysts of other species or

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strains of *Eimeria*.

Claim 7 (withdrawn): The vaccine of Claim 5 or Claim 6 further comprising immunogens related to other pathogens of poultry.

Claim 8 (withdrawn): A method of inhibiting coccidiosis in poultry which comprises administering to the chickens an effective amount of a vaccine as claimed in Claim 5.

Claim 9 (withdrawn): A method of inhibiting coccidiosis in poultry which comprises administering to the chickens an effective amount of a vaccine as claimed in Claim 6.

Claim 10 (withdrawn): A method of inhibiting coccidiosis in poultry which comprises administering to the chickens an effective amount of a vaccine as claimed in Claim 5 together with an effective amount of an anticoccidial medication.

Claim 11 (withdrawn): A method of inhibiting coccidiosis in poultry which comprises administering to the chickens an effective amount of a vaccine as claimed in Claim 6 together with an effective amount of an anticoccidial medication.

Claim 12 (withdrawn): A method of obtaining an immunovariant strain of *Eimeria maxima* from *Eimeria maxima* FL strain comprising:

- a. immunizing birds with oocysts of *E. maxima*-GLP;
- b. challenging said birds with oocysts of *E. maxima*-FL;
- c. recovering oocysts from birds which had been immunized with *E. maxima*-

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GLP and challenged with *E. maxima*-FL;

d. challenging *E. maxima*-GLP-immunized birds with said recovered oocysts;

e. recovering oocysts;

f. repeating steps d and e at least one time; and

g. obtaining an immunovariant strain of *E. maxima*.

Claim 13 (withdrawn): An immunovariant strain of *Eimeria maxima* isolated by the method of Claim 10.

Claim 14 (new): A variant strain of *Eimeria maxima*, said variant strain is designated *E. maxima*-I and is deposited under the ATCC accession number PTA-4959.

Claim 15 (new): The variant strain *E. maxima*-I (ATCC number PTA-4959) of Claim 14 which is further identified by the characteristic wherein:

immunization with *E. maxima*-I (ATCC number PTA-4959) protects against challenge with *E. maxima*-I (ATCC number PTA-4959) but does not protect against challenge with the Guelph strain of *E. maxima*, designated *E. maxima*-GLP, an indication that *E. maxima*-I (ATCC number PTA-4959) has no detectable immunological cross reactivity with *E. maxima*-GLP.

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Claim 16 (new): A variant strain of *Eimeria maxima* wherein said variant strain corresponds in characteristics to the strain *E. maxima*-I (ATCC number PTA-4959) as set forth in Claim 15 wherein:

immunization with said variant strain or *E. maxima*-I (ATCC number PTA-4959) protects against challenge with said variant strain or *E. maxima*-I (ATCC number PTA-4959), but does not protect against challenge with *E. maxima*-GLP, an indication that said variant strain has no detectable immunological cross reactivity with *E. maxima*-GLP.